Customer No. 24498
Attorney Docket PU030124
Office Action Date: June 9, 2008

Remarks/Arguments

Claims 1-21 are pending in this application, and are rejected in the Office Action of June 9, 2008. Claims 1, 8 and 15 are amended herein to more particularly point out and distinctly claim the subject matter Applicants regard as the invention.

Re: Claims 1-5, 8, 10-13, 15 and 17-20

Claims 1-5, 8, 10-13, 15 and 17-20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,987,221 issued to Platt (hereinafter, "Platt") in view of U.S. Patent No. 7,046,588 issued to Heo (hereinafter, "Heo"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that independent claim 1, as amended herein, recites a method of compiling a playlist of digital audio data files, comprising the steps of:

"enabling a user to select a set of digital audio data files for potential inclusion in the playlist;
enabling the user to determine which of the selected digital audio data files will be included in the playlist by sequentially playing an audio clip from each one of the selected digital audio data files and detecting whether a user input is received while each audio clip is being played; and
including identifying data for the digital audio data file associated with a currently playing audio clip in the playlist in response to detecting the user input while the currently playing audio clip is being played." (emphasis added)

As indicated above, independent claim 1 defines a method of compiling a playlist of digital audio data files in which a user is first enabled to select a set of digital audio data files for potential inclusion in the playlist. The method then enables the user to determine which of the selected digital audio data files will be included in the playlist by sequentially playing an audio clip from each one of the selected digital audio data files and detecting whether a user input is received while each audio clip is being played. Identifying data for the digital audio data file associated with a currently playing audio clip is included in the playlist in response to detecting the user input while the currently playing audio clip is being played. Independent claims 8 and 15 are amended herein to include subject matter similar to independent claim 1.

6

Customer No. 24498
Attorney Docket PU030124
Office Action Date: June 9, 2008

Neither Platt nor Heo, whether taken individually or in combination, teaches or suggests the subject matter of independent claims 1, 8 and 15. On page 3 of the Office Action dated June 9, 2008, the Examiner admits that Platt fails to teach "[a] method including **sequentially playing an audio clip from each one of the selected audio data files."** (emphasis original). In an attempt to remedy this admitted deficiency of Platt, the Examiner relies on Heo. However, Heo fails to remedy the deficiencies of Platt. In particular, Heo discloses a method and apparatus that allows users to highlight a portion of an audio track as a representative portion of the audio track. These highlighted portions may then be reproduced in a sequence (see, for example, FIG. 4B). However, Heo fails to teach or suggest, *inter alia*, that audio data files are sequential played to enable a user to determine which audio data files will be included in a playlist, as claimed. As such, Heo also fails to teach or suggest, *inter alia*, the steps of "detecting whether a user input is received while each audio clip is being played" or "including identifying data for the digital audio data file associated with a currently playing audio clip in the playlist in response to detecting the user input while the currently playing audio clip is being played", as recited for example by amended independent claim 1. Accordingly, Heo fails to remedy the deficiencies of Platt. For this reason alone, the instant rejection should be withdrawn.

Moreover, notwithstanding the foregoing arguments, Applicants further submit that one of ordinary skill in the art would have absolutely no motivation to modify Platt in the manner proposed by the Examiner. In particular, one of Platt's main objectives is to reduce the amount of time and effort required by a user to generate a playlist. Platt achieves this objective by "automatically generating a playlist based on seed items." (see column 2, lines 30-36 of Platt). Therefore, based on the express teachings of Platt, one of ordinary skill in the art would have absolutely no motivation to modify Platt in a manner which would require additional user time and effort. As such, one of ordinary skill in the art would have absolutely no motivation to modify Platt in a manner which would result in "enabling a user to select a set of digital audio data files for potential inclusion in the playlist" and/or "enabling the user to determine which of the selected digital audio data files will be included in the playlist by sequentially playing an audio clip from each one of the

7

Customer No. 24498
Attorney Docket PU030124
Office Action Date: June 9, 2008

audio clip from each one of the selected digital audio data files and detecting whether a user input is received while each audio clip is being played", as recited for example by amended independent claim 1.

Accordingly, for at least the foregoing reasons, Applicants submit that independent claims 1, 8 and 15 are non-obvious over the proposed combination of Platt and Heo, and withdrawal of the rejection is respectfully requested.

Re: Claims 6, 7, 9, 14, 16 and 21

Claims 6, 7, 9, 14, 16 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Platt in view of Heo, and further in view of U.S. Patent Publication No. 2002/0116476 by Eyal et al. (hereinafter, "Eyal"). Applicants respectfully traverse this rejection since Eyal is unable to remedy the deficiencies of Platt and Heo explained above in conjunction with independent claims 1, 8 and 15. Accordingly, withdrawal of the rejection is respectfully requested.

8

Customer No. 24498
Attorney Docket PU030124
Office Action Date: June 9, 2008

Conclusion

In view of the foregoing remarks/arguments and accompanying amendments, the Applicant believes this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicant's attorney at (609) 734-6815, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,

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Date: 9/8/08

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9